IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ petition No. 766 of 2006

(Under Article 226/227 of the Constitution of India)

District Dehradun

1. Pooran S/o Shri Banwari,
   R/o Village-Sherpur, Pargana-Pachwadoon,
   Tehsil-vikas Nagar, District Dehradun.
2. Jagpal S/o Shri Sukkar,
   R/o Village-Sherpur, Pargana-Pachwadoon,
   Tehsil-vikas Nagar, District Dehradun.
3. Smt. Paundi W/o Shri Pooran
   R/o Village-Sherpur, Pargana-Pachwadoon,
   Tehsil-vikas Nagar, District Dehradun.
4. Ramchandra S/o Shri Gainda,
   R/o Village-Sherpur, Pargana-Pachwadoon,
   Tehsil-vikas Nagar, District Dehradun.
5. Gainda S/o Shri Nihala,
   R/o village-Sherpur, Pargana-Pachwadoon,
   Tehsil-vikas Nagar, District Dehradun.
6. Surja S/o Shri Nihala,
   R/o Village-Sherpur, Pargana-Pachwadoon,

Tehsil-vikas Nagar, District Dehradun……...Petitioners

Versus

1. 2nd Additional Civil Judge (Jr. Div.) Dehradun,
   District Dehradun.
2. Damar Bahadur Thapa
3. Bijendra Singh Thapa,
   Both sons of Shri Dhan Singh,
   Both R/o Village-Sherpur, Pargana-Pachwadoon,
   Tehsil-vikas Nagar, District Dehradun…….Respondents

Counsel for the Petitioners Sri Lok Pal Singh

Standing Counsel for the respondent no.1

Dated 20.6.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioners have prayed for a writ of certiorari, quashing the order dated 30.5.2006.

Briefly stated, a suit for permanent injunction was filed against the petitioners. Alongwith the suit the application was also filed by the respondents no. 2 & 3 under order 39 rule 1 of the code of civil procedure. The Trial Court has passed the order on 5.4.2006 directing the parties to maintain status-quo till the disposal of the application 6 c (2). However, respondents no. 2 & 3 filed another application on

30.5.2006 by which the interim order was modified and fresh order was passed, restraining the petitioners not to interfere in sowing the crops.

Petitioners have filed an application for recalling the said order, but no order have been passed, and the application is pending.

Petitioners have submitted that the Civil Court is closed. Respondent no.1, therefore, is directed to dispose of the application of the petitioners within a period of one month till then the parties are directed to maintain status-quo, as per order dated 5.4.2006.

Writ petition is disposed of. No order as to cots.

Dated 20.6.2006 (Rajesh Tandon, J.)